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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,200	08/02/2006	Hajime Ishii	H&C-5209	6754
7590 07/14/2008 Mattingly Stanger Malur & Brundidge John R Mattingly 1800 Diagonal Road Suite 370 Alexandria, VA 22314				
EXAMINER				
BROWN, DREW J				
ART UNIT		PAPER NUMBER		
3616				
MAIL DATE		DELIVERY MODE		
07/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/588,200

Applicant(s)

ISHII ET AL.

Examiner

DREW J. BROWN

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/10/07 (preliminary amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/2/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1, 3, and 5 are objected to because of the following informalities:
In line 2 of claim 1, "in front side" should be changed to --in a front side--.
In line 8 of claim 3, "oppsite" should be changed to --opposite--.
In line 4 of claim 5, "upword" should be changed to --upward--.
Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada (JP 11-021952; as cited by applicant) in view of JP 7-35212 (as cited by applicant).

Wada discloses a hollow cab provided with a front window pane (14) on the front side thereof, an operator's seat furnished within the cab and to be taken by an operator, an air duct (11) provided within the cab to supply conditioned air toward air outlets, an a washer unit (7) configured to spurt a washer liquid onto the front window, wherein the washer unit and air duct are installed in the cab (Figure 1A).

Wada does not disclose a washer liquid spout provided on the front window pane and a washer tank that holds the washer liquid. JP 7-35212, however, does disclose a washer liquid spout provided on the front window pane (Figure 1) and a washer tank (5C) that holds the washer liquid. The operator's seat is located within the cab at a position set apart from the front

window pane by a space of a predetermined breadth, and the air duct and the washer tank are located forward of the operator's seat and on the side of the space, and an entrance is provided in one side section of the cab for getting into or out of the operator's seat. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Wada in view of the teachings of JP 7-35212 to have a washer liquid spout provided on the front window pane in order to transfer the liquid from the inside of the cab onto the outside of the window in order to clean it, and it would have been obvious to have a tank for holding the liquid in order to provide a reservoir from which the washer unit can pump washer liquid from.

With respect to the limitation that the washer tank is integrally joined with the air duct is a method of forming that is not germane to the issue of patentability itself, and therefore has not been given patentable weight. However, the examiner notes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the washer tank integrally with the air duct, or to form them separately and then integrally join them together by use of fixation means, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. Applying fixing means to fix two articles together would also have been obvious to one of ordinary skill, since fixing means are old and well known in the art.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wada in view of JP 7-35212 as applied to claims 1-3, 7, and 8 above, and further in view of Nagata et al. (JP 2001055760; as cited by applicant).

The combination of Wada and JP 7-35212 discloses the claimed invention as discussed above but does not disclose a floor panel internally provided with an air conditioning unit accommodation compartment at the foot of the operator's seat, and an air conditioning unit accommodated in the compartment that is connected with the air duct to send out conditioned air. Nagata et al., however, does disclose a floor panel internally provided with an air conditioning unit accommodation compartment at the foot of the operator's seat, and an air conditioning unit accommodated in the compartment that is connected with the air duct to send out conditioned air (Figure 3C). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Wada in view of the teachings of Nagata et al. to have an air conditioning compartment at the foot of the operator's seat in order to save space within the cab of the vehicle.

Allowable Subject Matter

5. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aoyama et al., Sakyo et al., Termont, Ishii et al., Tecklenburg et al., and Umemoto et al. disclose similar cabs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DREW J. BROWN whose telephone number is (571)272-1362. The examiner can normally be reached on Monday-Thursday from 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul N. Dickson/
Supervisory Patent Examiner, Art Unit 3600

Drew J. Brown
Examiner
Art Unit 3616

db
7/2/08